

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

XIA JIANG,

Plaintiff,

V.

MELLANESA YVONNE ASTON,

Defendant.

Case No. 2:18-cv-00974-RFB-NJK

ORDER

17 Plaintiff has filed a Motion to Remand (ECF No. 5). The Court finds good cause to remand
18 this case. The Defendant removed this case from state court on May 29, 2018 and has filed two
19 Applications for Leave to Proceed *in Forma Pauperis*, but has not attached the underlying
20 complaint or other pleadings to either application. ECF Nos. 1, 6. In order to remove, a defendant
21 is required to include a copy of all process, pleadings, and orders that have been served upon them.
22 28 U.S.C. § 1446(a). Without the underlying complaint, it is impossible for the Court to determine
23 whether federal jurisdiction is proper. Based on a review of the Notice of Removal (ECF No. 1, Ex.
24 1), the Court does not have a basis for finding that the parties are diverse from each other such that
25 jurisdiction would be proper under 28 U.S.C § 1332(a). Further, the Defendant has not responded
26 to the Motion to Remand, which constitutes consent to the motion under Local Rule 7-2(d). The
27 Court also finds that the Defendant has not satisfied the amount in controversy requirement as a
28 result of not submitting the appropriate documents.

1 The Plaintiff also requests that the Court grant him attorney fees that accrued in connection
2 with the Motion to Remand, and has included an affidavit detailing those fees. ECF No. 5, Ex. 5.
3 The Court has reviewed that affidavit and finds that an order requiring payment of some of the fees-
4 -\$1,000—would be appropriate and reasonable.

5 **IT THEREFORE IS ORDERED** that the Plaintiff's Motion to Remand (ECF No. 5) is
6 GRANTED.

7 **IT FURTHER IS ORDERED** that the Plaintiff shall be granted attorney fees in the amount
8 of \$1,000.00. The Plaintiff is awarded \$1,000 in attorney fees from the Defendant.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall close this case.

10 DATED: July 6th, 2018.



11 **RICHARD F. BOULWARE, II**
12 **UNITED STATES DISTRICT JUDGE**

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